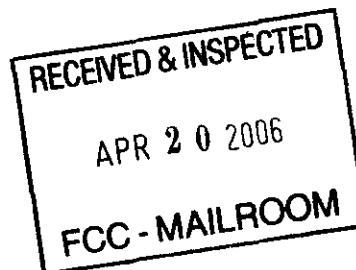


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Walpole Public Library

Walpole, Massachusetts 02081

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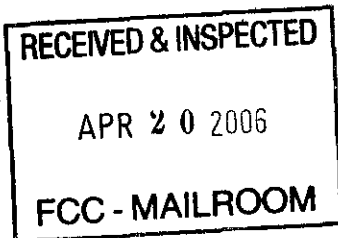
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JERRY R @ WALPOLE, MA. US

CC Docket No. 96-45 and CC Docket No. 02-6

April 20, 2006

RE: Applicant Name	Walpole Public Library
Billed Entity Number	120516
Form Application Number	424702
Funding Request Number(s)	1173760



To whom it may:

The Walpole Public Library, representing the Town of Walpole, would like to appeal the decision made by the USAC on February 28, 2006 (enclosed as part of the fax submission).

To recap the events and our appeal: In funding year 2004 we became CIPA compliant on May 18, 2005 as we reported. Our understanding was that we had the entire year to become compliant given that we had not received funding the previous year. We acknowledge that we checked off the wrong box on Form 486. However, we had followed your rules and a clerical mistake should not override the actual, correct action that we took. We are concerned that in the appeal decision by the USAC, it was stated that the process does not provide that ability to correct an error. This is particularly ironic given the several demand notices that were sent to us by the USAC before the appeal process reached a final conclusion. After literally weeks of trying to find out why, we were eventually informed that they were sent to us in error!!! (e-mail enclosed as part of the fax submission).

In sum, we would hope the intent of the law would be followed and not be driven by the process.

Sincerely,

Jerry Romelczyk
Director Walpole Public Library
65 Common St
Walpole, MA 02081
For the Town of Walpole

508-660-7334 - fax 508-660-2714
jerryr@walpole.ma.us



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2004-2005

February 28, 2006

Jerry Romelczyk
Walpole Public Library
65 Common Street
Walpole, MA 02081

Re: Applicant Name: WALPOLE PUBLIC LIBRARY
Billed Entity Number: 120516
Form 471 Application Number: 424702
Funding Request Number(s): 1173760
Your Correspondence Dated: December 14, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1173760
Decision on Appeal: **Denied**
Explanation:

- You are appealing SLD's decision to reduce the funding commitment amount due to non-compliance with CIPA. You state that in May 2005 you received a letter from SLD asking when you became CIPA compliant. You state that your response indicating a May 18, 2005 compliance date was an error because you erroneously checked off choice A instead of choice B under Item 11 of the Form 486. You close by stating that in Funding Year 2004 you had undertaken action to meet the CIPA requirements and were indeed compliant by May 18, 2005, six weeks before required. You state that you did not receive any funding in 2003.
- After a thorough review of the appeal and all relevant supporting documentation, it was determined that the Form 486 indicated that services began on July 1, 2004. According to our records, on May 24, 2005 you submitted documentation to the

SLD indicating that the appropriate CIPA requirements were met on May 18, 2005. Rules of this Support Mechanism state that the SLD is unable to provide discounts for services delivered prior to your CIPA compliant date of May 18, 2005 (321 days of non-compliance with CIPA/365 days). Your appeal provides additional corrected information that contradicts information originally submitted during the initial review process. Rules of this Support Mechanism do not permit the SLD to accept new information on appeal except where an applicant was not given an opportunity to provide information during the initial review or when an error was made by SLD. The accuracy and correctness of the information provided during the CIPA review is the responsibility of the applicant. Consequently, the appeal is denied.

- FCC Rules require billed entities to certify on FCC Forms 486 that as of the date discounted services began, the recipients of service were in compliance with the appropriate requirements of CIPA in order to be eligible for discounts. 47 C.F.R. §54.520 (b)(1), (c). Billed entities that fail to provide the certifications or that allow services to be delivered prior to compliance with the requirements of CIPA violate these rules. 47 C.F.R. § 54.520 (c). Billed entities that fail to ensure compliance with the requirements of CIPA must reimburse any funds and discounts they received from the Schools and Libraries Support Mechanism for the period in which they were non-compliant. 47 C.F.R. § 54.520 (e)

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

From: "BCD Customer Service" <bcd.customerservice@universalservice.org>
Date: Thu Apr 6, 2006 10:52:25 AM US/Eastern
To: "jerry romelczyk" <jerryr@walpole.ma.us>
Subject: RE: RE:

Mr. Romelczyk:

I contacted a Sr. Manager over in our Schools division this morning again on your behalf. They did advise me that the Demand Payment Letter you received on March 1, 2006, was sent in error. There is no action that you need to taken or that will be taken by E-rate at this point. I did also express my concern that there was no contact from schools to you in regards to this issue. Again I apologize for your inconvenience. You may disregard that letter.

For future issues in regards to e-rate program issues, please contact Schools and libraries directly at 888-203-8100, or you can open a case with them by open a case link:

http://www.slforms.universalservice.org/EMailResponse/EMail_Intro.aspx

Regards,

Ian Kobler